

HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

NANNETTE BASA, an individual,

Plaintiff,

v.

BRAND SHARED SERVICES, LLC, a
Delaware corporation,

Defendant.

Case No. 2:21-cv-00754 MLP

[PROPOSED] ORDER DENYING
PLAINTIFF'S MOTION FOR
SANCTIONS FOR SPOILIATION OF
EVIDENCE

HEARING DATE:
October 7, 2022

BEFORE THE COURT is Plaintiff's Motion for Sanctions for Spoliation of Evidence.

The Court has considered the following:

1. Plaintiff's Motion for Sanctions for Spoliation of Evidence;
2. Declaration of Alex J. Higgins in Support of Plaintiff's Motion for Sanctions for Spoliation of Evidence and all exhibits thereto;
3. Defendant Brand Shared Services, LLC's Response in Opposition to Plaintiff's Motion for Sanctions for Spoliation of Evidence;
4. Declaration of Karen Riapos in Opposition to Plaintiff's Motion for Sanctions for Spoliation of Evidence;
5. Declaration of Emma Kazaryan in Opposition to Plaintiff's Motion for Sanctions for Spoliation of Evidence and all exhibits thereto;

[PROPOSED] ORDER DENYING PLAINTIFF'S MOTION FOR
SANCTIONS FOR SPOILIATION OF EVIDENCE - 1
(CAUSE NO. 2:2-CV-00754 MLP)

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6. All pleadings and files in this case.

Following the review and good cause finding, it is ORDERED that Plaintiff's motion is DENIED. Plaintiff has not established that Brand should have preserved the lost material in anticipation of litigation, that Brand failed to take reasonable steps to preserve it, or that additional discovery could not restore or replace the ESI. Further, Plaintiff has not established that she has been prejudiced or that Brand had any intent to deprive her of any lost information.

IT IS SO ORDERED this ____ day of _____, 2022.

Honorable Michelle L. Peterson

Presented by:

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[PROPOSED] ORDER DENYING PLAINTIFF'S MOTION FOR
SANCTIONS FOR SPOILIATION OF EVIDENCE - 2
(CAUSE NO. 2:21-CV-00754 MLP)

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